

MISC. Communication

Tabone, Jr., John

From: Vu, Kim
Sent: Wednesday, October 18, 2006 7:01 PM
To: Tabone, Jr., John
Subject: RE: Affidavit for case 10710451, need your input

The Affidavit has included all the facts but the exhibit fails to establish/support the claimed invention. The exhibit also fails to establish the due diligence from prior to the reference date to a subsequent reduction to practice, MPEP 715.07. I do not see in the exhibit that can provide any evidence or support as what applicant's claimed invention.
kim

-----Original Message-----

From: Tabone, Jr., John
Sent: Wednesday, October 18, 2006 5:29 PM
To: Vu, Kim
Subject: RE: Affidavit for case 10710451, need your input

Kim,

Any thoughts yet?

*John J. Tabone, Jr.
U.S. Patent and Trademark Office
Art Unit 2138
Room: RND- 2B61
Phone: (571) 272-3827*

-----Original Message-----

From: Vu, Kim
Sent: Tuesday, October 17, 2006 12:02 PM
To: Tabone, Jr., John
Subject: RE: Affidavit for case 10710451, need your input

Will email/discuss with you tomorrow.
Kim

-----Original Message-----

From: Tabone, Jr., John
Sent: Tuesday, October 17, 2006 11:33 AM
To: Vu, Kim
Subject: Affidavit for case 10710451, need your input

Hi Kim,

It's Affidavit time again. Please look at the affidavit for case 10710451, filed 8/17/06. They claim "conception" of the invention prior to the filing date of my secondary reference Mangum of 8/8/02, however, Exhibits A and B are 8/28/02 and after. On page 1, point 4 the inventors state "On a day prior to August 8 2002, we both conceived of at least the invention...", but again the exhibits do not show reduction to practice prior to 8/8/02.

Please let me know soon since this amendment is due this bi-week and I will probably go Final (no count) if the Affidavit is no good.

Thanks,

John J. Tabone, Jr.

U.S. Patent and Trademark Office

Art Unit 2138

Room: RND- 2B61

Phone: (571) 272-3827